

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

IN RE:	§	
	§	
Darren L. Bunch	§	CASE NO. 05-06437-BHL
Beth A. Bunch	§	
Debtors	§	
	§	
Union Acceptance Corporation c/o	§	CHAPTER NO. 7
Systems & Services Technologies, Inc.	§	
its successors and/or assigns	§	
Movant	§	
	§	
VS.	§	
	§	
Darren L. Bunch	§	
Beth A. Bunch	§	
Respondents	§	
	§	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now Union Acceptance Corporation c/o Systems & Services Technologies, Inc. ("Movant"), its successors and/or assigns filing this its Motion for Relief from the Automatic Stay ("Motion"), and in support thereof, would respectfully show:

1. On April 12, 2005, Darren L. Bunch and Beth A. Bunch ("Debtors") filed a voluntary petition under Chapter 7 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. §§105, 361 and 362 and 28 U.S.C. §§157 and 1334.
3. Movant is the owner and holder of a Vehicle Retail Installment Contract ("Agreement"), signed by Debtors. Movant is secured under the Agreement by a properly perfected first lien security interest in a 2001 GMC SIERRA 1500 VIN: 1GTEC14V21Z302959 ("Vehicle"). True and correct copies of the Agreement and the Certificate of Title, indicating proper perfection of Movant's security interest in the Vehicle, are attached hereto as Exhibit "A" and "B", respectively.

4. By virtue of the above, Movant is the holder of a secured claim against Debtors in the amount of \$18,549.56 as of April 12, 2005. Debtors' Statement of Intention provides to surrender the Vehicle.

5. Debtors are in default under the terms of the Agreement by failing to make the March 5, 2005 payment of \$559.63 and all subsequent payments when due and owing pursuant to the terms of the Agreement. The amount of default owed by Debtors totals \$1,076.67.

6. Movant alleges that the automatic stay should be lifted for cause pursuant to 11 U.S.C. §362(d)(1) in that Movant lacks adequate protection of its interest in the Vehicle as evidenced by the following:

- (a) Debtors have defaulted under the terms of the Agreement by failing to make installment payments when due and owing thereunder;
- (b) The Vehicle, and the value of the Vehicle, is in a state of decline and continues to decline; and
- (c) Debtors are unable to show that the Vehicle is properly insured.

7. Alternatively, Movant alleges that the automatic stay should be lifted for cause pursuant to 11 U.S.C. §362(d)(2) in that Debtors have no equity in the Vehicle and it is not necessary for an effective reorganization. According to the April 2005 issue of the NADA Official Used Car Guide (a publication commonly relied upon by banks, insurance companies, government agencies, and car dealers in determining the value of used vehicles), the retail market value of the Vehicle at the time Debtors commenced this bankruptcy proceeding was approximately \$13,200.00.

8. Movant has had to retain counsel to represent it before this Court and is incurring attorneys' fees and court costs for which it is entitled to reimbursement under the terms of the Agreement.

9. Movant requests that the ten (10) day stay provided by Fed. R. Bankr. P., Rule 4001(a)(3) be waived and the Order Terminating Stay be effective upon entry of this Order.

WHEREFORE, PREMISES CONSIDERED, Movant respectfully prays that, upon final hearing of this Motion, (1) the automatic stay will be terminated as to Movant to permit Movant to seek its

statutory and other available remedies; (2) Movant be granted such other and further relief, at law or in equity, as is just.

Respectfully submitted,

William R. Richards, P.C.

/s/Katherine A. Starks

Katherine A. Starks(No. 23158-41)

3830 East Southport Road,Ste 500

Indianapolis, Indiana 46237

Phone: (317)974-5666

Fax: (317)974-5660

Local Counsel for Movant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for Relief from the Automatic Stay has been served upon the following parties in interest by first class U.S. Mail or electronically the 25 day of April, 2005.

Debtors' Attorney

Richard P. Batesky Jr.

22 E Washington St., Ste. 600

Indianapolis, Indiana 46204

Trustee

Joseph W. Hammes

1 Indiana Square, Suite 1900

Indianapolis, Indiana 46204

U.S. Trustee

Nancy J. Gargula

101 West Ohio Street,Ste 1000

Indianapolis, Indiana 46204

By: /s/ Katherine A. Starks

Katherine A. Starks

IN05-183

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

IN RE:

**Darren L. Bunch
Beth A. Bunch
Debtors**

§
§
§
§
§

**CASE NO. 05-06437-
BHL-7**

**NOTICE OF MOTION OR OTHER REQUESTS
FOR RELIEF FROM AUTOMATIC STAY**

PLEASE TAKE NOTICE take parties in interest shall have fifteen (15) Days from the date this Notice is served to file an objection to the Motion from Relief from Automatic Stay filed on behalf of Union Acceptance Corporation c/o Systems & Services Technologies, Inc. as the to following property: 2001 GMC SIERRA 1500 VIN: 1GTEC14V21Z302959.

Objections must be filed in writing with the Clerk's office and served on the attorney for the moving party at the addresses listed below. If no objection is timely filed, an order may be entered by the Court for the relief requested.

CERTIFICATE OF SERVICE

This is to certify that a true and accurate copy of this Notice of Motion for Relief from Automatic Stay was served on all creditors and parties in interest by placing a copy in the U.S. Mail this or electronically this 25 day of April, 2005.

Debtors' Attorney

Richard P. Batesky Jr.
22 E Washington St., Ste. 600
Indianapolis, Indiana 46204

Trustee

Joseph W. Hammes
1 Indiana Square, Suite 1900
Indianapolis, IN 46204-2032

U.S. Trustee

Nancy J. Gargula
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By: /s/Katherine A. Starks
Katherine A. Starks

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